REMARKS

This amendment is filed concurrently with a Request for Continued Examination in response to the Final Office Action mailed January 24, 2008 and the Examiner's Advisory Actions mailed April 15, 2008 and May 13, 2008. It should be noted that Applicant submitted Amendments After Final Rejection on March 24, 2008 and April 22, 2008, neither of which were entered by the Examiner (see Advisory Actions).

Therefore, claims 1-3, 6-12, 16-25 and 29-32 remain pending in this application, and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Griesbach (U.S. Publication No. 2004/0123939) in view of Morman (U.S. Publication No. 2004/0091752). Applicants respectfully request reconsideration of this rejection in view of the amendments and arguments set forth herein. [1]

Claim Amendments

Claims 1-3, 6-11, 17 and 25 and 29-32 are now canceled. All of the claims remaining after the amendments set forth herein (claims 12, 16 and 18-22) are directed to a three layer film laminate. Applicants' Rule 132 Declaration (filed October 31, 2007) including comparative data, is commensurate in scope with the claimed subject matter.

New independent claims 33 and 34 have been added, and are directed to the laminates described in Examples 1 and 3 of the specification, respectively, and the compositions used in the Rule 132 Declaration for establishing the desirable wet peel strength and barrier properties.

[1] Applicants incorporate herein by reference the arguments made in the March 24, 2008 and April 22, 2008 amendments that were not entered.

Record is made herein of a telephone call from the Examiner on April 29, 2008 in which the Examiner suggested amending the claims to use the language "consisting of" instead of "comprising" or "consisting essentially of". Applicant appreciates the time the Examiner has spent discussing this application with the undersigned, and has amended claims 12 and 21 as suggested. New claims 33 and 34 also use "consisting of" language.

All of the independent claims are now directed to a composite laminate comprising a coextruded cast film layer and at least two nonwoven substrate layers, wherein the cast film layer comprises at least three layers having different constituent parts (i.e., ABA construction) and the nonwoven substrate layers are "adhesively bonded" to the outer layers of the cast film layer.

In independent claims 12 and 21, the cast film layer comprises:

- At least two outer layers consisting of polypropylene (PP) resin selected from the group consisting of PP homopolymers and PP copolymers; and

- At least one barrier layer consisting of low density polyethylene (LPDE) or a blend of LDPE and linear low density polyethylene (LLPDE).

In independent claim 33, the cast film layer comprises:

- At least two outer layers consisting of PP or blends of PP and polyethylene (PE); and

- At least one barrier layer consisting of LPDE.

In independent claim 34, the cast film layer comprises:

- At least two outer layers consisting of PP or blends of PP and PE; and

- At least one barrier layer consisting of a blend of LPDE and LLDPE.

All claims specify that the barrier layer is sufficient to prevent blood, viruses and bacteria from passing through the cast film layer, and that these composite laminates are characterized by high wet peel strength, improved barrier properties and being ethylene oxide sterilizable.

No new matter has been added by these claim amendments.

Claim Rejection

The Examiner's proposed combination of Griesbach in view of Morman does not render the amended claims, including independent claims 12, 21, 33 and 34, obvious.

Typical adhesively bonded laminates do not have good lamination or peel strength when they come in contact with a liquid such as water or blood. However, Applicants' "adhesively bonded" laminates as claimed exhibit improved peel strength.[2] The makeup of the cast film is critical to the key properties of delamination (peel strength, and in particular wet peel strength) and as a blood barrier following ethylene oxide sterilization and aging as shown by the data in the specification and the Rule 132 Declaration.

[2] Applicant's specification (see page 2, paragraphs 2 and 3, for example) states that thermal bonding of the film and substrate layers in "some products exhibits substantially reduced wet peel strength after aging and EtO sterilization. This may result from migration of adhesive fro the interface between the film and fiber layers to the fiber layers when the nonwoven is in roll form, or from the temperature and humidity used during EtO sterilization. The present invention seeks to overcome these problems by producing a low cost nonwoven laminate product comprising a novel co-extruded film adhesively bonded to a spunbond or other nonowoven substrate." Page 2, line 22 – page 3, line 7. The feature of "adhesively laminated" is incorporated in all of the pending claims.

Applicants' Rule 132 Declaration contains data establishing unexpected results, particularly with respect to peel strength for the composite laminate as claimed. The specification at pages 9-15 and the Rule 132 Declaration clearly establish the criticality of the structure now recited in the claims, for example in producing the desirable properties, i.e., wet peel strength and barrier properties (*see* Tables 1 and 2 on pages 12 and 14 of the specification or the Table on page 6 of the Rule 132 Declaration). A quick calculation from the Tables indicates that the examples of the invention have superior peel strength:

	Example 1	Example 2	Example 3
Dry Inner Peel Strength	84%	30%	213%
Wet Inner Peel Strength	84%	Negative	210%

This data was obtained by comparing two composite laminates as claimed (examples 1 and 3) with a laminate of AAA structure (example 2). The composite structure of the film layer in each example was:

Example 1 (ABA)	Example 2 (AAA)	Example 3 (ABA)
PP / PE blend	LDPE	PP
LDPE	LDPE	LDPE / LLDPE blend
PP / PE blend	LDPE	PP

The unexpected results set forth in the specification and Declaration clearly support applicant's position that the invention is not obvious and would not have been foreseen by one skilled in the art.

Griesbach, the primary reference cited herein, teaches thermally bonding the films to the nonwoven webs and not adhesively laminating. This is in addition to, as admitted by the Examiner, failing to teach a barrier layer comprising low density polyethylene.

The Examiner relies on Morman to cure this latter omission, asserting that Griesbach's polyolefins are functionally equivalent to the low density polyethylene polymers of Morman and can be used for the desired use of forming a film. Applicants respectfully disagree.

Morman's laminate is an entirely different construct, and more particularly a breathable, substantially liquid impermeable film and laminate, the term "breathable" meaning having a defined water vapor transmission, i.e., "breathable materials typically rely on molecular diffusion of vapor, or vapor passage through micropores …" (Morman, ¶ 19) The Morman material is microporous. Such micropores would interfere with obtaining the sought after properties of the claimed laminate, i.e., barrier properties.

Further, the Morman disclosure of suitable polymers is a shot gun disclosure, and any of the polymers having the required extendible property would be suitable for use in Morman, albeit not in the instant invention. The only suggestion to use a particular polymer would come from the Applicant's disclosure which is clearly not available for that purpose.

Finally, Applicants have submitted data establishing unexpected results of the claimed constituents of the film. The Examiner's combination of references does not recognize the significance of Applicants' mix of layers in the core and different polymers for the core and film, which is basic to Applicant's invention.

In view of the foregoing, Applicant submits that the amended claims set forth in this amendment are in condition for allowance.

Respectfully Submitted,

Attorney for Applicant

Dated: May 21, 2008

/evelyn m. sommer/

Evelyn M. Sommer
Registration No. 19,603
Joshua S. Broitman
Registration No. 38,006
OSTRAGER CHONG FLAHERTY AND BROITMAN, PC
570 Lexington Avenue, 17th Floor
New York, NY 10022-6894
Phone: (212) 681-0600